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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,707	02/12/2001	Robin Ross Cooper	VMATRIX.002A	1841

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EXAMINER

LE, DAVID Q

ART UNIT PAPER NUMBER

3621

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,707

Applicant(s)

COOPER ET AL.

Examiner

David Q Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u> </u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker et al.**, US Patent No. 5,862,223 (1999, filed in 1996; hereinafter "Walker").

As per **claims 1 and 7**.

Walker discloses

A [method / system] for providing a secure communication network to provide consultations between a client and a consultant (Abstract; Summary of the Invention; Walker's "expert" is equivalent to the claimed "consultant") comprising

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providing to the client via said secure communication network at least one web module (Fig 1; associated text; C10, L54-65: "website"); providing to the client via said communication network a list of consultants from a consultant database module (Fig: "Expert Database"; associated text); receiving a message from the client via said communication network indicating a choice of consultants (Fig 15: "Choose Experts"; associated text); receiving a message from the choice of consultants consenting to see the client (Fig 16: "Does Expert Accept Request?"; associated text); providing to the client and the choice of consultants a secure consultation environment within which a conference occurs (Fig 17: "End User ..Assigned Message Window; Expert To Join Message Window"; associated text).

Walker does not disclose

providing to the client a liability limitation module through the at least one web module, wherein a liability limiting agreement is provided to the client by the liability limitation module; receiving a message from the client via said communication network indicating consent to said agreement.

However it is well-known in the industry that goods and services made available for payment by providers to end users are typically subject to end-user agreements which limit the providers' liabilities, while carefully delineating the end-users' privileges. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have included such contracts for users to agree to prior to offering the services, in order to minimize disputes with the users and the responsibilities and exposure of the provider.

As per **claims 2 and 8.**

Walker further discloses

issuing a digital certificate to the client after the client has logged on to the communication network (C10, L27-34: "digital signatures"; Fig 5: "Cryptographic Processor"; Fig 16: "Cryptographic Key"; associated text).

As per **claims 3 and 12.**

Walker further discloses

providing the client an opportunity to leave a message [electronic notes] for the choice of consultants (Fig 3: "Transmit End User Request To First Expert To Respond"; associated text; C15, L38-42).

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As per claim 4.

Walker further discloses

calculating a fee based on service rendered within the secure consultation environment (Fig 7, 16-20; associated text).

As per claims 5 and 10.

Walker further discloses

providing an archival copy of the conference recorded by the archive module (Fig 2; C14, L58-60; C15, L17-20).

As per claims 6 and 17.

Walker does not specifically recite

web page is accessed by a web-enabled device selected from the group consisting of an individual computer, a mobile computer, a personal digital assistant, a hand-held computer, a web-enabled television, a web-enabled interactive kiosks, a web-enabled wireless communications device, a mobile web browsers, or a combination thereof.

However Walker is clear that his system will work on the Internet (Fig 1, associated text) and that any computing device capable of connecting to this network via many different transmission media will serve as client device (C13, L7-21). Therefore it would have been obvious to one ordinarily skilled in the art that all of the claimed devices would have been included in Walker's system, in order to offer the service to as wide a group of users as possible, without limits to the devices they may use to connect to the service.

As per claim 9.

Walker further discloses

a source module configured to supply code to support the consultation module (Fig 2-3; associated text).

As per claim 11.

Walker does not recite

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an electronic white board module configured to provide communication between the client and the consultant.

However he does disclose that users and consultants will be able to conference using message windows and chat rooms (C15, L17-20). These are equivalent to the "white board" claimed by applicant. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have all this technology available in Walker's system, in order to provide attractive, easy to use, and efficient methods for users and consultants to conference.

As per claim 13.

Walker further discloses

an internal communication module configured to provide internal communications between parties (Fig 3: "WAN Hub"; associated text; C15, L21-67).

As per claim 14.

Walker does not recite

a secretarial module configured to provide secretarial services.

However Walker teaches that his system will perform many tasks on behalf of users and experts alike, in order to provide the best environment for matching the two sides: users requests, preferences, categories of questions, as well as personal information will be stored and retrieved when needed; expert qualifications, payment preferences, personal information likewise will be maintained and updated as needed; messages, including audio, video attachments, will be forwarded from users to experts; archives will be kept, complaints will be dealt with, and so on. All of these are equivalent to keeping full secretarial services for the users and experts making use of the system. In fact, Walker uses an example of a professor lacking a secretary to manage his work (C3, L34-41) to illustrate the need for a system such as his invention. Therefore it would have been obvious to one ordinarily skilled in the art at the time the invention was made that Walker's system in fact does provide a wide range of services on behalf of its clients which are secretarial in nature, in order to help them achieve the most efficiency in their quest for answers and expert work.

As per claim 15.

Walker further discloses

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an electronic mail module configured to provide electronic mail services (see all above citations).

As per **claim 16**.

Walker further discloses

a language translation module configured to provide language translation services (Walker, Claim 63).

Conclusion

4. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: "**Rent-An-Expert On The Web – Services Let Users Hire Help To Answer Specific Questions**", By **Gregory Dalton**, Information Week, September 6, 1999.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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DQL